

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
)
v.)
) No. 3:11-cr-83-15
CARLOS ANTWAN FLETCHER) Chief Judge Haynes
)

O R D E R

Before the Court is Defendant's motion to correct judgment due to clerical error (Docket Entry No. 751) that the Government has recommended that the Court grant (Docket Entry No. 760).

Defendant's motion to correct judgment is to remove the word "brandish" from the nature of the offense section of judgment. As the Government points out, Defendant was charged in Count Four of the second superseding indictment with possession of a firearm. (Docket Entry No. 547). Defendant was not charged with "brandishing" that firearm in Count Four. Had he been charged with, and convicted of, "brandishing" a firearm, his mandatory minimum sentence for Count Four would have been seven years instead of five years for only "possessing" a firearm in furtherance of a drug trafficking crime.

Defendant pleaded guilty to the possession charge in Count Four, which does not include the word "brandish." In the Judgment, however, the "Nature of Offense" listed for Count Four is "Use, Carry and Brandish and Possession of Firearms in Furtherance of a Drug Trafficking Crime." (Docket Entry No. 561). Therefore, the "Nature of Offense" incorrectly states that Defendant "brandished" a firearm. As the Defendant was neither charged with, nor pled guilty to, a charge of "brandishing" a firearm, the judgment is amended to remove the word "brandish" from the "Nature of Offense" listed for Count Four, and shall state that Defendant was only charged with and convicted of possessing a firearm in violation of Title 18, U.S.C., Section 924(c) in Count Four.

Accordingly, Plaintiff's motion for to correct the judgment due to clerical error (Docket Entry No. 751) is **GRANTED**.

It is so **ORDERED**.

ENTERED this the 12th day of September, 2014.



WILLIAM J. HAYNES, JR.

Chief Judge

United States District Court